

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7851 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AMJADKHAN SHANKATHAN PATHAN

Versus

COMMISSIONER OF POLICE

Appearance:

MR FM BATUNGE for Petitioner

MR UA TRIVEDI for respondents

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 26/11/96

ORAL JUDGEMENT

1. By way of this Special Civil Application, the petitioner has challenged the order of detention dated 20/06/1996 passed by the Police Commissioner, Ahmedabad.

2. The co-detenu in the present Special Civil Application has been directed to be released forthwith, as the order of detention has been found to be illegal on the ground of delay. In the instant case also, the last

case was registered in the month of December 1995 and the order of detention was passed on June 20, 1996.

3. For the reasons recorded in Special Civil Application No.8574/96 decided by the order of this Court dated 26/11/1996, the impugned order of detention deserves to be quashed and set aside.

3. In the result, the Special Civil Application is allowed. The impugned order of detention dated 20/06/1996 is quashed and set aside. The detenu shall be released forthwith, if he is not required in any other case. Rule is made absolute accordingly.

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